

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
ADMINISTRATION CENTER, ROOM AC 255/259  
THURSDAY, APRIL 7, 2011, 1:00 P.M.**

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**CALL TO ORDER**

Bill Mitchell, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:	Bill Mitchell	Bob Peregrine	Walter Kolb	Gary Goodchild
	Jim Siepmann	Pat Haukohl	Fritz Ruf	

Commission

Members Absent: None

Staff

Members Present: Jason Fruth, Planning and Zoning Manager  
Elfriede Sprague, Clerk Typist III

Guests Present: MaryLee Richmond, Corporation Counsel  
Sarah Spaeth, County Board Office

**CORRESPONDENCE:** None.

**MEETING APPROVAL:**

Commission Haukohl indicated she was interested in attending the *Wetlands, Wildlife Habitat, and Flood Hazards in the Rock River Basin* workshop on May 13, 2011 at the Lake Mills Community Center. Mr. Fruth commented that the workshop was free and meals were included. The Commission decided to approve Mrs. Haukohl's attendance, in case she incurred any other costs.

***Mr. Ruf moved, seconded by Mr. Siepmann and carried unanimously for approval of Commissioner Haukohl attending the Wetlands, Habitat and Flood Hazards in the Rock River Basin workshop to be held on Friday, May 13, 2011 at the Lake Mills Community Center.***

**MINUTES** Approval of the February 17 and March 3, 2011, Minutes.

- ***Mrs. Haukohl moved, seconded by Mr. Peregrine and carried unanimously for approval of the February 17, 2011, Minutes.***
- ***Mrs. Haukohl moved, seconded by Mr. Ruf and carried unanimously for approval of the March 3, 2011, Minutes.***

**PUBLIC COMMENT:**

Chairman Mitchell asked if anyone from the audience wished to address the Commission? With no public comment, he moved to the next item on the agenda.

- **ZT-1716 (Text Amendments - Town of Waukesha)**

Mr. Fruth presented the "Staff Report and Recommendation" dated April 7, 2011, and made a part of these Minutes. He indicated the request is to create Section 13-2-9(i)(20)f of the Town Code relating to the height of light poles and related equipment for recreational sites.

Mr. Fruth explained the current Town of Waukesha Zoning Code allows for recreational uses and recreational fields under its' conditional use provisions and the proposal is to create a subsection under the recreational category to allow for light towers and related equipment to be a maximum of 75 ft. in height. The lighting section of the current

Code addresses parking lot lighting, lighting of walkways and interior roads. There is no mention of stadium or recreational type lighting. It also has a 28 ft. maximum height on cut off type fixtures and 12 ft. on no cut-off type fixtures, but there is no mention of recreational lighting.

The amendment appears to be generated by a specific request for recreational light poles in excess of 70 ft. for a proposed baseball and softball facility proposing to locate in the Town. Although, the recreational facility request appears to have precipitated the proposed Ordinance amendment, the approval of this amendment would not result in any specific request being automatically approved. Specific requests would still have to be considered through the Town's Conditional Use process.

The Town Planner asked Staff how the County would have handled this under the County Ordinance and Mr. Fruth replied it probably would be appropriate to be considered under the "height exception" standards, which allow for certain types of unconventional structures, such as water towers, communication towers, etc. Masts are specifically listed as an eligible exception, so lights at 75 ft. would probably have been permissible under the County Ordinance. He continued that the Town does have other general provisions that appear to be applicable regardless of what type of lighting is in use. Site Plan/Plan of Operation requirements allow for the Town to request Lighting Plan approvals. There is also a provision that calls for prohibition of fugitive light, which is similar to the County Code.

At the public hearing, there were a number of comments, with most opposing the proposed ordinance. The majority of the comments referenced a specific proposed baseball/softball complex on the "5 Diamonds" property within the Town of Waukesha. Several of the comments indicated a concern that lights on the "5 Diamonds" property would negatively impact neighboring properties; however, after a presentation by the project engineer on the lighting, most of the resident's concerns were addressed. Mr. Fruth explained that over the course of the next year or two, the Town will be working on creating a new Zoning Code and has retained a Planning consultant to work with them. Because you need to look several places in the Town's current Ordinance to get all the requirements for this type of lighting, Mr. Fruth is in the process of drafting a letter to the Town's planning consultants regarding this recreational lighting topic. Staff is suggesting that such lighting standards be further expanded and considered as part of the comprehensive revision process. Particularly Staff feels that it would be appropriate for the Town to consider either insertion of cross references or new provisions relative to certain performance standards relative to photometrics, light spillage, hours of operation, setbacks, etc. and that more research should be done to determine whether a 75 foot maximum height is the optimal restrictive height for recreational lighting. A range of lighting types could be proposed over time, and while one example may have been positive, it may be that other styles or vendor installations at the same height may not be as appropriate. Additional standards would help to clarify that taller light poles are not exempt from other general code requirements that prohibit lighting from being directed towards adjacent properties and might more clearly set forth other lighting standards.

Chairman Mitchell stated he was at the public hearing for the text amendment and felt the developer did a very good job explaining why the 75 ft. height was requested: the taller the pole, the less fugitive light. He continued that perhaps the Ordinance was not necessary and it could have been addressed as a conditional use, but the Town wanted to make people aware of why recreational fields want taller lighting. There was opposition from some neighbors, but the Town Plan Commission and Town Board endorsed it. They felt that any lighting problems would be controlled. He agreed the proposed Ordinance could have more controls even though many of the lighting concerns are addressed in various sections of their Ordinance.

Mrs. Haukohl expressed a concern for voting for the amendment unless there were comprehensive standards in place, especially in light of the number of people opposed to it. The public appear to be looking for some type of controls to the lights and it is not addressed in this Ordinance, other than the pole height and there appears to be no basis for the maximum height of 75 ft. Mr. Mitchell replied that the lighting consultant did explain why the 75 ft. was the optimum height to reduce light spillage, it was not a random figure. In fact, some Town representatives did visit athletic fields in the Village of Pewaukee to observe lighting at that approximate height

and found it to be appropriate. He felt that the residents concerns are addressed in the Town's Ordinance, just not on one page, so there are controls in place.

*After discussion, Mr. Peregrine moved, seconded by Mr. Ruf, and carried with 6 yes votes for approval, (Mrs. Haukohl voted "No") in accordance with the "Staff Report and Recommendation.*

- **CU-1118A (James A. Kostecki and Lynn R. Somers) Town of Vernon, Sections 22, 23, 26 and 27**

Mr. Fruth presented the "Staff Report and Recommendation" dated April 7, 2011, and made a part of these Minutes. He pointed out the location of the property at S95 W23680 Forest Home Avenue in Sections 22, 23, 26 and 27, Town of Vernon on the aerial photograph and stated the request is for after-the-fact Conditional Use Permit approval for a Limited Family Business to allow the owner to continue to operate "Weatherwood Tree Service" from the property.

Mr. Fruth explained that in 1997 a Conditional Use Permit was issued to the previous owner to permit him to use three existing farm buildings for commercial storage of boats and recreational vehicles. In 1998, the property was sold and the Conditional Use Permit was transferred to the current owner. In November of 2010, the Town Building Inspector notified the Planning and Zoning Division Staff that Mr. Kostecki was operating a tree removal operation from his property. During the site inspection of the property by the Staff, the petitioner indicated that he thought the tree removal operation was a permitted use, and was unaware that it was not. He has been operating the tree service from the site for 12 years. Subsequently, he has applied for an after-the-fact Conditional Use Permit for a Limited Family Business, which is an appropriate use, to allow the tree service business to operate from the 25 ft. x 65 ft. farm building.

The petitioner is proposing to store a brush chipper, stump grinder dump truck, skid loader and trailer in the building. The petitioner takes the equipment to the job site and all grinding and chipping is done there. No grinding or chipping, other than the owner's personal firewood, is done on this property. The owner is the only employee and his hours vary. The firewood and chips that are stored on site are for the owner's personal use and is being limited to five cords of firewood and fifteen cubic yards of mulch. No signage relative to the tree service is allowed as he is not conducting any retail sales from the property. Reaction at the public hearing was generally supportive of the operation; however one neighbor did express concern about rodents. Mrs. Haukohl asked if there are normally rodent issues with the storage of wood. Chairman Mitchell replied it is not unusual to have mice hiding in woodpiles, however after identification of the storage building on the aerial photograph, it was felt there was adequate distance between the neighbors and the wood piles so as to not create rodent problems.

*After discussion, Mrs. Haukohl moved, seconded by Mr. Ruf, and carried unanimously for approval, as conditioned in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **CU-1542 (James Peterson Sons Inc., petitioner for Wayne Roe and Karen Mahan) Town of Genesee, Section 27**

Mr. Fruth presented the "Staff Report and Recommendation" dated April 7, 2011, and made a part of these Minutes. He pointed out the location of the property at W304 S5186 S.T.H. 83 in Section 27, Town of Genesee on the aerial photograph and stated the request is for land-altering activities associated with the disposal of spoils materials from the Wisconsin Department of Transportation S.T.H. 83 reconstruction project.

Mr. Fruth identified the property on the east side of S.T.H. 83 and outlined the area of the capped landfill. He explained the petitioner is proposing to place approximately 25,000 cubic yards of material from the Wisconsin Dept. of Transportation S.T.H 83 project on his property. The average fill depth over the four acres would be approximately five to seven feet and the created slopes would be approximately 10:1. The Town recommended denial of the request for several reasons: no landfill borings have been done to define the boundaries, the resulting slopes would create negative impact on neighboring properties which contains wetlands and the proposed amount of fill has the potential to have a negative impact on the subject parcel.

*After discussion, Mrs. Haukohl moved, seconded by Mr. Goodchild and carried unanimously for denial in accordance with the "Staff Report and Recommendation".*

**ADJOURNMENT**

*With no further business to come before the Commission, Mr. Peregrine moved, seconded by Mr. Ruf to adjourn at 2:45 p.m.*

Respectfully submitted,

Pat Haukohl  
Secretary  
PH:es